

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JENNIE COURTNEY, ETC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 2:06-CV-00600-MHT
)	
ANTHONY CLARK, et al.,)	
)	
Defendants.)	

**DEFENDANT COVINGTON COUNTY, ALABAMA'S
MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

COMES NOW Covington County, Alabama, a Defendant in the above-entitled action, and pursuant to Rules 12(b)(5), and (6) of the Federal Rules of Civil Procedure, moves this Court for an Order dismissing the Plaintiff's claims against it as a matter of law. In support thereof, Defendant sets forth and states as follows:

1. The Plaintiff has filed a thirteen-count Second Amended Complaint asserting numerous state and federal claims against Covington County.

2. Service of the Second Amended Complaint was not effected until after both the 120-day service period in Rule 4(m) and the statute of limitations had expired.

3. The Plaintiff's claims against Covington County are due to be dismissed for the following reasons:

- a. Plaintiff's service of process was insufficient;
- b. The Second Amended Complaint fails to state a federal claim as a matter of law;
- c. The Second Amended Complaint fails to state valid state law claims against Covington County as a matter of law; and

d. Plaintiff seeks damages that are not authorized by law.

4. Covington County requests an opportunity to be heard orally on this motion.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, Defendant Covington County, Alabama requests that the Court issue an Order dismissing the Plaintiff's claims against it, and award unto it costs and attorneys fees for defending this action..

Respectfully submitted, this 16th day of July, 2007.

s/Gary L. Willford, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of July, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and by sending via U.S. Mail, postage prepaid, to the following:

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s/Gary L. Willford, Jr.
OF COUNSEL